

**AMENDMENT TO H.R. 1501, AS REPORTED
OFFERED BY MR. WAMP OF TENNESSEE**

At the end of the bill insert the following:

1 **SEC. 3. SYSTEM FOR LABELING VIOLENT CONTENT IN**
2 **AUDIO AND VISUAL MEDIA PRODUCTS.**

3 (b) LABELING OF AUDIO AND VISUAL MEDIA PROD-
4 UCTS.—The Fair Packaging and Labeling Act is amended
5 by adding at the end the following:

6 “LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS

7 “SEC. 14. (a) It is the policy of Congress, and the
8 purpose of this section, to provide for the establishment,
9 use, and enforcement of a consistent and comprehensive
10 system for labeling violent content in audio and visual
11 media products (including labeling of such products in the
12 advertisements for such products), whereby—

13 “(1) the public may be adequately informed
14 of—

15 “(A) the nature, context, and intensity of
16 depictions of violence in audio and visual media
17 products; and

18 “(B) matters needed to judge the appro-
19 priateness of the purchase, viewing, listening to,
20 use, or other consumption of audio and visual

1 media products containing violent content by
2 minors of various ages; and

3 “(2) the public may be assured of—

4 “(A) the accuracy and consistency of the
5 system in labeling the nature, context, and in-
6 tensity of depictions of violence in audio and
7 visual media products; and

8 “(B) the accuracy and consistency of the
9 system in providing information on matters
10 needed to judge the appropriateness of the pur-
11 chase, viewing, listening to, use, or other con-
12 sumption of audio and visual media products
13 containing violent content by minors of various
14 ages.

15 “(b)(1) Manufacturers and producers of interactive
16 video game products and services, video program products,
17 motion picture products, and sound recording products
18 may submit to the Federal Trade Commission a joint pro-
19 posal for a system for labeling the violent content in inter-
20 active video game products and services, video program
21 products, motion picture products, and sound recording
22 products.

23 “(2) The proposal under this subsection should, to
24 the maximum extent practicable, meet the requirements
25 set forth in subsection (c).

1 “(3)(A) The antitrust laws shall not apply to any
2 joint discussion, consideration, review, action, or agree-
3 ment between or among manufacturers and producers re-
4 ferred to in paragraph (1) for purposes of developing a
5 joint proposal for a system for labeling referred to in that
6 paragraph.

7 “(B) For purposes of this paragraph, the term ‘anti-
8 trust laws’ has the meaning given such term in the first
9 section of the Clayton Act (15 U.S.C. 12) and includes
10 section 5 of the Federal Trade Commission Act (15 U.S.C.
11 45).

12 “(c) A system for labeling the violent content in inter-
13 active video game products and services, video program
14 products, motion picture products, and sound recording
15 products under this section shall meet the following re-
16 quirements:

17 “(1) The label of a product or service shall con-
18 sist of a single label which—

19 “(A) takes into account the nature, con-
20 text, and intensity of the depictions of violence
21 in the product or service; and

22 “(B) assesses the totality of all depictions
23 of violence in the product or service.

24 “(2) The label of a product or service shall
25 specify a minimum age in years for the purchase,

1 viewing, listening to, use, or consumption of the
2 product or service in light of the totality of all depic-
3 tions of violence in the product or service.

4 “(3) The format of the label for products and
5 services shall—

6 “(A) incorporate each label provided for
7 under paragraphs (1) and (2);

8 “(B) include a symbol or icon, and written
9 text; and

10 “(C) be identical for each given label pro-
11 vided under paragraphs (1) and (2), regardless
12 of the type of product or service involved.

13 “(4) In the case of a product or service sold in
14 a box, carton, sleeve, or other container, the label
15 shall appear on the box, carton, sleeve, or container
16 in a conspicuous manner.

17 “(5) In the case of a product or service that is
18 intended to be viewed, the label shall—

19 “(A) appear before the commencement of
20 the product or service;

21 “(B) appear in both visual and audio form;
22 and

23 “(C) appear in visual form for at least five
24 seconds.

1 “(6) Any advertisement for a product or service
2 shall include a label of the product or service in ac-
3 cordance with the applicable provisions of this sub-
4 section.

5 “(d)(1)(A) If the manufacturers and producers re-
6 ferred to in subsection (b) submit to the Federal Trade
7 Commission a proposal for a labeling system referred to
8 in that subsection not later than 180 days after the date
9 of the enactment of this section, the Commission shall re-
10 view the labeling system contained in the proposal to de-
11 termine whether the labeling system meets the require-
12 ments set forth in subsection (c) in a manner that ad-
13 dresses fully the purposes set forth in subsection (a).

14 “(B) Not later than 180 days after commencing a
15 review of the proposal for a labeling system under sub-
16 paragraph (A), the Commission shall issue a labeling sys-
17 tem for purposes of this section. The labeling system
18 issued under this subparagraph may include such modi-
19 fications of the proposal as the Commission considers ap-
20 propriate in order to assure that the labeling system meets
21 the requirements set forth in subsection (c) in a manner
22 that addresses fully the purposes set forth in subsection
23 (a).

24 “(2)(A) If the manufacturers and producers referred
25 to in subsection (b) do not submit to the Commission a

1 proposal for a labeling system referred to in that sub-
2 section within the time provided under paragraph (1)(A),
3 the Commission shall prescribe regulations to establish a
4 labeling system for purposes of this section that meets the
5 requirements set forth in subsection (c).

6 “(B) Any regulations under subparagraph (A) shall
7 be prescribed not later than one year after the date of
8 the enactment of this section.

9 “(e) Commencing one year after the date of the en-
10 actment of this section, a person may not manufacture
11 or produce for sale or distribution in commerce, package
12 for sale or distribution in commerce, or sell or distribute
13 in commerce any interactive video game product or service,
14 video program product, motion picture product, or sound
15 recording product unless the product or service bears a
16 label in accordance with the labeling system issued or pre-
17 scribed by the Federal Trade Commission under sub-
18 section (d) which—

19 “(1) is appropriate for the nature, context, and
20 intensity of the depictions of violence in the product
21 or service; and

22 “(2) specifies an appropriate minimum age in
23 years for purchasers and consumers of the product
24 or service.

1 “(f) Commencing one year after the date of the enact-
2 ment of this section, a person may not sell in commerce
3 an interactive video game product or service, video pro-
4 gram product, motion picture product, or sound recording
5 product to an individual whose age in years is less than
6 the age specified as the minimum age in years for a pur-
7 chaser and consumer of the product or service, as the case
8 may be, under the labeling system issued or prescribed by
9 the Federal Trade Commission under subsection (d).

10 “(g) The Federal Trade Commission shall have the
11 authority to receive and investigate allegations that an
12 interactive video game product or service, video program
13 product, motion picture product, or sound recording prod-
14 uct does not bear a label under the labeling system issued
15 or prescribed by the Commission under subsection (d) that
16 is appropriate for the product or service, as the case may
17 be, given the nature, context, and intensity of the depic-
18 tions of violence in the product or service.

19 “(h) Any person who violates subsection (e) or (f)
20 shall be subject to a civil penalty in an amount not to
21 exceed \$10,000 for each such violation. In the case of an
22 interactive video game product or service, video program
23 product, motion picture product, or sound recording prod-
24 uct determined to violate subsection (e), each day from
25 the date of the commencement of sale or distribution of

1 the product or service, as the case may be, to the date
2 of the determination of the violation shall constitute a sep-
3 arate violation of subsection (e), and all such violations
4 shall be aggregated together for purposes of determining
5 the total liability of the manufacturer or producer of the
6 product or service, as the case may be, for such violations
7 under that subsection.